IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

O R D E R

Manju. Versus State of Rajasthan & Anr.

S.B. Criminal Misc. Petition No. 870/2005 against the order dated 19-1-2005 passed by the Sessions Judge, Hanumangarh, in Criminal Revision No. 72/2004.

...

Date of Order: July 14, 2006

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Mr. R.S. Gill, for the petitioner.
Mr. Ashok Upadhyaya, Public Prosecutor for the State.
Mr. D.K. Gaur, for the non-petitioner No.2.

BY THE COURT:

By the instant criminal miscellaneous petition under Section 482 of the Code of Criminal Proedure, 1973 (for short, "the Code" hereinafter), the petitioner has assailed the order dated 19-1-2005 passed by the Sessions Judge, Hanumangarh (for short, "the Revisional Court" hereinafter) in Criminal Revision No. 72/2004, whereby the Revisional Court allowed the revision petition filed by the non-petitioner No.2 against the order dated 6-4-2006 passed by the Chief Judicial Magistrate, Hanumangarh (for short, "the trial Court" hereinafter) in Criminal Case No. 207/2003 whereby the trial Court granted maintenance

in favour of the petitioner @ Rs.1000/- per month with effect from 21-9-2002. On a revision, the amount of maintenance was reduced from Rs.1000/- to Rs.500/- per month.

It is contended by the learned counsel for the petitioner that the Revisional Court reduced the amount of maintenance only on the ground that the petitioner has been granted maintenance @ Rs.500/- per month by the Family Court on an application filed by her under the Hindu Marriage Act. Learned counsel submits that it is true that the petitioner was granted maintenance @ Rs.500/- per month by the Family Court dealing with a matrimonial case but it was granted w.e.f. 1.4.2004, therefore, if at all a sum of Rs.500/- per month was granted by the Family Court was to be adjusted then it could have been from 1-4-2004 and not from 21-9-2002.

Having regard to the facts and circumstances of the case, in my view, the Revisional Court fell in error in reducing the amount from the date of maintenance i.e. 21-9-2002. On the contrary, the petitioner is entitled for the maintenance from the date of the application i.e. 21-9-2002 till 31-3-2004 @ Rs.1000/- per month and thereafter from 1-4-2004, @ Rs.500/- per month as ordered by the Revisional Court and, therefore, the impugned order deserves modification to this extent.

In view of the above, the impugned order dated 19.1.2005 passed by the Revisional Court is modified to the

extent that the petitioner is entitled for the maintenance of Rs.1000/- per month from 21-9-2002 till 31-3-2004 and thereafter @ Rs.500/- per month with effect from 1-4-2004 onwards. With these modification, the criminal miscellaneous petition stands disposed of. The stay petition also stands disposed of.

(H.R. PANWAR), J.

mcs